

Article - Labor and Employment

[\[Previous\]](#)[\[Next\]](#)

§3–1302.

(a) In this section, “existing paid leave” includes:

- (1) vacation days;
- (2) sick days;
- (3) short-term disability benefits;
- (4) floating holidays;
- (5) parental leave; and

(6) other paid time off that may be used under the terms and conditions as paid sick and safe leave.

(b) This subtitle may not be construed to:

(1) require an employer to compensate an employee for unused earned sick and safe leave when the employee leaves the employer’s employment;

(2) require an employer to modify an existing paid leave policy if:

(i) the policy permits an employee to accrue and use leave under terms and conditions that are at least equivalent to the earned sick and safe leave provided for under this subtitle; or

(ii) the paid leave policy does not reduce employee compensation for an absence due to sick or safe leave;

(3) except as provided in subsection (d) of this section, preempt, limit, or otherwise affect any other law that provides for sick and safe leave benefits that are more generous than required under this subtitle;

(4) preempt, limit, or otherwise affect any workers’ compensation benefits that are available under Title 9 of this article; or

(5) prohibit an employer from adopting and enforcing a policy that prohibits the improper use of earned sick and safe leave, including prohibiting a pattern of abuse of earned sick and safe leave.

(c) For the purposes of subsection (b)(2) of this section, the terms and conditions of a paid leave policy shall be presumed to be equivalent if the terms and conditions allow an employee to:

(1) access and accrue paid leave at the same rate or at a greater rate than provided for in § 3–1304 of this subtitle; and

(2) use the paid leave for the purposes listed in § 3–1305 of this subtitle.

(d) (1) Except as provided in paragraph (2) of this subsection, this subtitle preempts the authority of a local jurisdiction to enact a law on or after January 1, 2017, that regulates sick and safe leave provided by an employer other than the local jurisdiction.

(2) This subsection does not preempt a local jurisdiction from amending a law that was enacted before January 1, 2017, and regulates sick and safe leave provided by an employer.

[\[Previous\]](#)[\[Next\]](#)